

### REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 21, 2004. Reconsideration and allowance of the application in view of remarks to follow is respectfully requested.

Claims 1-17 are pending in this application of which Claims 1, 9, 10, and 17 are independent claims. Claims 18 and 19 are added by this amendment.

In the Office Action, Claims 1-17 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,822,418 to Yacenda ("Yacenda") in view of U.S. Patent No. 5,031,228 to Lu ("Lu"). These rejections are respectfully traversed herein.

In the Office Action it is stated that Yacenda, in effect, discloses all the features of Claim 1, except that "Yacenda et al. do not teach the control unit that receives images associated with two or more regions of a local environment, nor explicitly suggest generating an indicium that associates the known person with the respective region." Lu is then cited for teaching a system and method to provide image recognition for identifying directions within a monitored area corresponding to the possible locations of individual audience members.

Yacenda merely shows features that are similar to those shown in UK Patent Application No. 2222503A as discussed in the present patent application as prior art (e.g., see the present patent

application, page 2, 16 though page 3, line 2). Specifically, Yacenda merely shows the use of transceivers to identify the location of persons in the system.

The sections of Lu that are cited are misstated and taken out of the context of what is really taught by Lu. Specifically, Lu Col. 4, lines 23-38 merely discusses an infrared detector system that may be utilized to direct an imaging camera. Lu further merely teaches that images can be utilized within an image recognition system. Image recognition systems are again discussed in depth in the pending patent application system, for example, on page 8, lines 13-17, page 10, lines 3-10, page 11, lines 3-16, and in other places. In fact, Lu adds nothing not discussed in the pending patent application. However, neither the cited references nor these additional references are first appropriately combined, and further, in combination teach the inventive features of any of the pending claims.

The mere fact that the prior art device could be modified so as to produce the claimed device is not a basis for an obviousness rejection unless the prior art suggested the desirability of the modification. See, *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984); and *In re Laskowski*, 871 F.2d 115, 117 (Fed. Cir. 1989).

I have carefully reviewed the four corners of Yacenda and Lu and have found no such suggestion.

Accordingly, the suggestion in the Office Action that the combination of Yacenda with Lu "would be obvious to one having ordinary skill in the art ... to have an alternate to locate a person using cameras instead of using transceivers" is respectfully refuted. Where is the suggestion in the prior art, that it is desirous to have an alternate. It is not sufficient to use the present patent application as a template to search for prior art and then blankly use as a motivation just that it could provide an alternative. There are innumerable other alternatives also.

One may not utilize the teachings of the present application as a road map to pick and choose amongst unrelated prior art references for the purposes of attempting to arrive at the presently disclosed invention.

The Federal Circuit has recognized that most inventions are combinations of old things and has identified three possible sources for motivation to combine references including the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. (See, *In re Rouffet*, U. S. Court of Appeals Federal Circuit, U.S.P.Q. 2d, 1453, 1458.) There must be a specific principle that would motivate a skilled artisan, with no knowledge of the present invention, to combine Yacenda and Lu. The use of hindsight in the selection of references is forbidden in comprising the case of obviousness.

Lacking a motivation to combine references, a proper case of obviousness is not shown (see, In re Rouffet, 1458).

In any event, even in combination, Yacenda and Lu do not disclose or suggest (emphasis provided) "the control unit processing the images to identify, from a group of known persons associated with the local environment, any one or more known persons located in the respective regions and, for each known person so identified, generating an indicium that associates the known person with the respective region in which the known person is located in response to the identified known person from the processed image" as is required by Claim 1. In addition, even in combination, Yacenda and Lu do not disclose or suggest (emphasis provided) "switching an incoming call to at least one of the respective telephone branches in which at least one detected person is located from the processed images" as required by Claim 9. Further, neither does Yacenda and Lu disclose or suggest (emphasis provided) "identifying, from a group of known persons each associated with the local environment, any known persons in each of the number of regions from the captured images associated with each of the number of regions ... where the desired recipient is one of the known persons identified in one of the regions in step b, connecting the incoming call to an extension servicing the respective region in which the desired recipient is located" as

required by Claim 10. Neither does Yacenda and Lu disclose or suggest (emphasis provided) "detecting any persons located in each of the number of regions from the captured images associated with each of the number of regions and c) connecting an incoming call to an extension servicing at least one of the regions in which at least one person is located " as required by Claim 17.

Accordingly, Claims 1, 9, 10, and 17 are patentable over any combination of Yacenda and Lu and an indication to that effect is respectfully requested. Claims 2-8 and 11-16 depend from one of Claims 1 and 10 and are therefore, also patentable for at least that reason as well as for the separately patentable elements contained therein. Accordingly separate consideration and allowance of each of Claims 2-8 and 11-16 is also respectfully requested. Based on the foregoing, the Applicants respectfully submit that Claims 1-17 are patentable over Yacenda in combination with Lu and notice to this effect is earnestly solicited.

Further the cited prior art neither discloses nor suggests "wherein if no known persons are identified in any region, the control unit directs an incoming call to a region where any person is detected" as required by Claim 18, nor "wherein if a known persons is in a region wherein no phone is present, the control unit will direct an incoming call for that known person to an adjacent region where a phone is present" as required by Claim 19.

The Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By Gregory L. Thorne

Gregory L. Thorne, Reg. 39,398  
Senior Patent Counsel  
(914) 333-9665  
July 21, 2004

**CERTIFICATE OF MAILING**

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On July 21, 2004

By Noemi Chaz